



**State of New Hampshire**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



November 5, 2002

**CERTIFIED MAIL**  
**(# 7099 3400 0002 9774 2041)**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 02-44**

D. D. Bean and Sons Co.  
207 Peterborough Street  
Jaffrey, New Hampshire 03452

Attn: Mr. Stephen Krause, President

**Re: D. D. Bean and Sons Co.**  
**Jaffrey, New Hampshire**  
**EPA ID # NHD001089234**

Dear Mr. Krause:

On September 6, 2002, the Department of Environmental Services (DES) conducted an inspection of D. D. Bean and Sons Co. (D. D. Bean). The purpose of the inspection was to determine D. D. Bean's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

**Env-Wm 507.03(a)(1)a. – Storage Requirements**

At the time of the inspection, one (1) 55-gallon container of hazardous waste alcohol observed in the Graphic Arts Room was not marked with the beginning accumulation date (See hazardous waste container inventory).

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date at the time they are first used to store hazardous wastes.

DES requests that D. D. Bean properly mark all containers of hazardous waste with the beginning accumulation date at the time they are first used to store waste.

2. Env-Wm 507.03(a)(1)b. and d. – Container Marking

At the time of the inspection, the one (1) 55-gallon container of hazardous waste alcohol observed in the Graphic Arts Room was not marked with the words “hazardous waste” and the EPA or state waste number (See hazardous waste container inventory).

Env-Wm 507.03(a)(1)b. and d. require that all containers used for the storage of hazardous waste be marked with the words “hazardous waste” and the EPA or state waste number at the time they are first used to store hazardous wastes.

DES requests that D. D. Bean properly mark all containers of hazardous waste with the words “hazardous waste” and the EPA or state waste number at the time they are first used to store waste.

3. Env-Wm 508.02(b) – Preparedness and Prevention

At the time of the inspection, DES documented that D. D. Bean did not maintain the required spill control equipment near the hazardous waste container.

Env-Wm 508.02(b) requires small quantity generators to maintain spill control equipment, such as speedi-dry or absorbent rags, near the hazardous waste.

DES requests that D. D. Bean maintain spill control equipment, such as speedi-dry or absorbent rags, near the container of waste alcohol in the Graphic Arts Room.

4. Env-Wm 807.06(b)(4) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, one (1) 55-gallon container of used oil destined for recycling was not labeled with the words “Used Oil for Recycle”.

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words “Used Oil for Recycle” at all times during accumulation and storage.

DES requests that D. D. Bean label all containers of used oil destined for recycling with the words “Used Oil for Recycle” at all times during accumulation and storage.

5. Env-Wm 807.06(b)(7) - Standards for Generators of Used Oil Being Recycled

At the time of inspection, it was disclosed that a used oil determination had not been conducted for used oil generated from the maintenance of machines and equipment. DES inspectors observed the used oil stored in a 55-gallon drum.

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requests that D. D. Bean conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. D. D. Bean will need to provide the results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

6. Env-Wm 1102.03(c)(1) – Universal Waste Management

At the time of the inspection, three (3) containers of universal waste lamps, located in the First Floor Sprinkler Room, were not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requests that D. D. Bean ensure that containers of universal waste lamps are closed except when universal waste is being added to or removed from the container.

7 Env-Wm 1112.04 - Universal Waste Management

At the time of the inspection, seven (7) containers of universal waste lamps [three (3) located in the First Floor Sprinkler Room and four (4) located on the Third Floor of Building A] were not marked with the words "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

Env-Wm 1112.04 requires universal waste handlers to ensure all container(s) holding universal waste to be clearly labeled or marked with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES requests that D. D. Bean clearly label or mark container(s) holding universal waste lamps with any of the following: "Universal Waste – Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by D. D. Bean can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against D. D. Bean, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.


The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Thank you for your cooperation.

Sincerely,

  
**COPY**  
Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, Administrator, DES Legal Unit  
David Chamberlain, Facility Manager, D. D. Bean  
Ron Breton, GZA

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist  
Hazardous Waste Container Inventory  
Summary of Requirements for Management of Used Oil Being Recycled  
NHDES List of "Laboratories that perform used oil analysis"